

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

VEX ROBOTICS, INC.

VS.

CROSS THE ROAD ELECTRONICS, LLC
and JONATHAN JACK

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CIVIL ACTION NO. 3:23-cv-2586-D

**DEFENDANT JONATHAN JACK’S ORIGINAL ANSWER AND DEFENSES
TO PLAINTIFF’S FIRST AMENDED PETITION**

Defendant Jonathan Jack (“Mr. Jack”) hereby responds to the First Amended Petition of Plaintiff Vex Robotics, Inc. (“Plaintiff”) with the following Answer and Affirmative Defenses. Mr. Jack denies the allegations and characterizations in Plaintiff’s First Amended Petition unless expressly admitted in the following numbered paragraphs, which correspond to the numbered paragraphs in the First Amended Petition.

DISCOVERY CONTROL PLAN

1. This paragraph sets forth a proposal for discovery to proceed under Texas Rule of Civil Procedure 190.4 for which no response is required because any such request is moot. To the extent a response is required, Mr. Jack denies that discovery should proceed in this matter pursuant to Texas Rule of Civil Procedure 190.4.

PARTIES

2. Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

3. Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

4. Mr. Jack admits that his residence is 560 Taylor Drive, Rockwall, Texas 75087. Mr. Jack denies any remaining allegations in this paragraph.

JURISDICTION AND VENUE

5. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent a response is required, Mr. Jack admits that the United States District Court for the Northern District of Texas has subject matter jurisdiction over this action.

6. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

7. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them.

8. Mr. Jack admits that he is a resident and citizen of the State of Texas. Mr. Jack further admits that for purposes of this action only the United States District Court for the Northern District of Texas has personal jurisdiction over Mr. Jack and this action.

9. Denied.

FACTS

10. Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

11. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or

information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

12. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

13. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

14. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

15. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

16. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

17. Mr. Jack admits that at one point in time he was employed by Vex in the position of Mechanical Engineer. Mr. Jack further admits that at one point in time he was employed by Vex in the position of Director of Mechanical Engineering. Mr. Jack further admits that at one point in time he signed a document titled “Company Information and Goodwill Protection Agreement”, but Mr. Jack specifically denies that any such agreement is valid or enforceable. Mr. Jack denies the remaining allegations in this paragraph.

18. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

19. Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

20. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

21. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

22. Mr. Jack admits that in January 2023 he joined WestCoast Products and Design, LLC (“WestCoast”) in the position of Director. Mr. Jack is without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

23. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

24. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

25. Mr. Jack denies the allegations contained in this paragraph that are directed to him. Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

CONDITIONS PRECEDENT

26. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them.

CAUSES OF ACTION

27. Mr. Jack repeats and re-alleges his answers to the preceding paragraphs as if fully set forth here.

28. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is

required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

29. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

30. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

31. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

32. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

33. Mr. Jack repeats and re-alleges his answers to the preceding paragraphs as if fully set forth here.

34. This paragraph sets forth argument and legal conclusions to which no response is required. In addition, this paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response

is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

35. This paragraph sets forth argument and legal conclusions to which no response is required. In addition, this paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

36. This paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

37. This paragraph sets forth argument and legal conclusions to which no response is required. In addition, this paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

38. This paragraph sets forth argument and legal conclusions to which no response is required. In addition, this paragraph does not contain allegations directed at Mr. Jack and, as such, no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

39. Mr. Jack repeats and re-alleges his answers to the preceding paragraphs as if fully set forth here.

40. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them. Mr. Jack specifically denies that any agreement between himself and Vex is valid or enforceable.

41. The allegations of this paragraph that “Vex performed its contractual obligations and all conditions precedent under the terms of the contract between itself and Jack” is argument and legal conclusions to which no response is required. Mr. Jack denies the remaining allegations in this paragraph.

42. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them. Mr. Jack specifically denies having “caused injury” to Vex.

43. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them.

44. Mr. Jack repeats and re-alleges his answers to the preceding paragraphs as if fully set forth here.

45. This paragraph sets forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them.

46. Mr. Jack admits that at one point in time he was employed by Vex. Mr. Jack denies the remaining allegations directed to him. Mr. Jack is without The remaining allegations in this paragraph set forth argument and legal conclusions to which no response is required. To the extent this paragraph includes any allegations to which a response is required, Mr. Jack denies them.

47. Mr. Jack admits that at one point in time he was an employee of WestCoast. Mr. Jack denies the remaining allegations in this paragraph directed to him. Mr. Jack is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

48. Denied.

49. Denied.

PRAYER

Mr. Jack denies the underlying allegations in Plaintiff's Prayer and denies that Plaintiff is entitled to any relief whatsoever. Mr. Jack requests that the Court deny all relief to Plaintiff, enter judgment in favor of Mr. Jack, and award Mr. Jack his attorneys' fees as the prevailing party in this action.

MR. JACK'S AFFIRMATIVE DEFENSES

Mr. Jack's affirmative defenses are provided below. Mr. Jack reserves the right to amend this Answer to add affirmative defenses currently unknown to Mr. Jack, as they become known throughout the course of this action. Assertion of a defense is not a concession that Mr. Jack has the burden of proving the matter asserted.

FIRST AFFIRMATIVE DEFENSE

The First Amended Petition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by Vex's fraudulent conduct.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by Vex's failure to mitigate damages.

FOURTH AFFIRMAIVE DEFENSE

Plaintiff's claims are barred in whole or in part by Vex's unclean hands and/or other inequitable conduct.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by offset, modification, and/or novation.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by Vex's own breach of contract.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the doctrines of laches, estoppel, waiver, ratification, and/or consent.

EIGHTH AFFIRMATIVE DEFENSE

Mr. Jack asserts that no express written agreement exists between Plaintiff and Mr. Jack pertaining to the Falcon 500 motor or ownership of any intellectual property rights associated therewith.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part because Vex lacks ownership of any proprietary or confidential information, or of any intellectual property rights, pertaining to the Falcon 500 motor.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part because any written agreement that may exist between Vex and Mr. Jack is void and unenforceable.

REQUEST FOR RELIEF

WHEREFORE, Mr. Jack respectfully requests that the Court:

(A) Enter judgment in favor of Mr. Jack and against Vex on all causes of action; and

(B) Award Mr. Jack his costs, disbursements, attorneys' fees, and such further additional relief as is deemed appropriate by this Court.

Dated: November 29, 2023

Respectfully submitted,

/s/ Shaun W. Hassett

Shaun W. Hassett

Texas Bar No. 24074372

shaunhassett@potterminton.com

POTTER MINTON

A Professional Corporation

102 North College Avenue, Suite 900

Tyler, TX 75702

Phone: (903) 525-2272

Fax: (903) 531-3972

Attorney for Defendant

Jonathan Jack